

# 'A question of equality and choice': same-sex couples' attitudes towards civil partnership after the introduction of same-sex marriage

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## **'A question of equality and choice': Same-sex couples' attitudes toward civil partnership after the introduction of same-sex marriage**

Since the introduction of same sex marriage, there have been two parallel institutions (marriage and civil partnership) for the legal recognition of same sex relationships in England, Wales and Scotland. The current study aimed to examine how those in a civil partnership or a same sex marriage perceive civil partnership in the context of marriage equality. Eighty-two respondents completed a qualitative online survey and their responses were analysed thematically. The respondents were divided between those who viewed civil partnership as: 1) a *stepping stone to equality*, and felt that *civil partnerships should be discontinued*; 2) a *form of legal recognition free from cultural baggage*, and argued the Government should *make civil partnership available for all*; or 3) those who displayed *ambivalence and conflicting views*. We conclude by discussing how the principle of formal equality underpinned opinions on all sides, and what implications this might have for how we understand discrimination.

Keywords: civil partnership; same sex marriage; marriage equality; equality; lesbian and gay rights

### **Introduction**

For over a decade now, same sex relationships in the UK have been legally recognized in the form of civil partnerships, and since 2014 same sex couples have also been able to marry in England, Wales and Scotland<sup>1</sup>. There are thus now two parallel institutions (marriage and civil partnership) for the legal recognition of same sex relationships in these countries. Unlike 'domestic partnerships' in other European countries, the Civil Partnership Act took marriage as its template, replicating the rights and responsibilities conferred to married couples. From the beginning there were few significant legal

differences between civil partnership and marriage, and most of those that did exist when the Act was passed were subsequently removed. As Barker and Monk (2015) point out, the remaining differences between civil partnership and (different-sex<sup>ii</sup>) marriage relate to: terminology (e.g., 'civil partner' vs 'husband/wife'); the lack of consummation as a requirement (due to definitional difficulties); and pension entitlements (a civil partner can lawfully be denied pension contributions made by a deceased partner before the Civil Partnership Act came into force in December 2005).

When civil partnerships were introduced, the UK Government were keen to emphasize that civil partnership was not 'marriage', but was designed to give same sex couples access to equivalent legal rights. Nevertheless, many same sex couples treated it as marriage and referred to it as such (Heaphy, 2015; Shipman & Smart, 2007). These contrary representations of civil partnership as marriage and not marriage were also reflected in media reporting of civil partnerships (Jowett & Peel, 2010). The notion that civil partnership was different to marriage was also reinforced in 2006 when a high court judge dismissed a legal challenge by Sue Wilkinson and Celia Kitinger (Harding, 2007). Kitinger and Wilkinson (2004) argued that civil partnership and civil marriage were not two different institutions, but rather civil partnership was a 're-branding' of marriage with the difference in name serving to symbolically segregate.

Less than a decade later, same sex marriage has now been introduced through acts of parliament in England, Wales and Scotland, but has not yet been introduced in Northern Ireland or the British Overseas Territories<sup>iii</sup>. Like the Civil Partnership Act, same sex marriage was framed as equality legislation with the UK Government referring to it as 'Equal Civil Marriage' in their public consultation (Equalities Office, 2012). The UK Government argued that the introduction of same sex marriage provided

formal equality by offering same sex couples access not only to the legal rights associated with marriage (as conferred by civil partnership) but the right to marriage in name. However, other differences between civil partnerships and marriage (such as pension entitlements and the consummation requirement) remain differences between different sex and same sex marriage. As a result of the introduction of same sex marriage, same sex couples can now choose to have either a marriage or a civil partnership. Furthermore, those already in a civil partnership can 'convert' their civil partnership to marriage.

To appease religious opposition (Browne & Nash, 2015; Jowett, 2014, 2017), the UK Government provided reassurances that religious bodies or officials would not be required to marry same sex couples. Another issue that arose during parliamentary debates of civil partnership and same sex marriage was whether different sex couples should be permitted to enter civil partnerships. Some Members of Parliament had originally called for different sex couples and siblings to be eligible to form civil partnerships, however, such suggestions were deemed to be 'wrecking amendments' designed to undermine the recognition of same sex couples as equivalent to married couples (Barker & Monk, 2015).

Civil partnership formations in England and Wales declined by 85% between 2013-2015, with the introduction of same sex marriage in March 2014 (Office of National Statistics, 2016). Yet at the same time there is an 'Equal Civil Partnerships' campaign to allow different sex couples to form civil partnerships<sup>iv</sup>. The UK Government conducted a public consultation on the future of civil partnership in England and Wales which focused on the extent of support for potential changes in civil partnership law (Department for Culture, Media and Sport, 2014). The consultation

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received almost 11,500 responses from interested organisations and individual members of the public. Of the three potential changes put forward in the consultation, less than a third supported the abolition of civil partnerships, 52% were against phasing civil partnerships out and more than three quarters (76%) were against extending civil partnership to different sex couples. The Government concluded that as there was 'no united view around what the future of civil partnership should be' (p. 20), it had no plans to change the law. It should be noted however, that approximately 79% of those who completed the public consultation identified as heterosexual, some of whom were opposed to both civil partnership and same sex marriage. Furthermore, only 6% of respondents were from people within a civil partnership. The attitudes and perspectives of those who are in a civil partnership or same sex marriage since the passage of marriage equality legislation, have yet to be specifically explored.

### ***Research on lesbian and gay men's attitudes to legal relationship recognition***

Much of the academic literature on attitudes towards same sex marriage focuses specifically on the attitudes of heterosexuals and has found that factors such as homophobia and religious belief correlate with opposition to marriage equality (e.g., Jakobsson, Kotsadam, & Støre, 2013; Moskowitz, Rieger & Roloff, 2010). The literature that does exist on lesbian and gay men's views of same sex marriage, and legal relationship recognition more broadly, is somewhat more complicated. While research suggests there is often general support for equal marriage rights among lesbians and gay men (Harding & Peel, 2006), some same sex couples have ambivalent feelings towards state recognition of their relationships (Rolfe & Peel, 2011; Weeks, Heaphy, & Donovan, 2001). An international survey of lesbians and gay men from 27 countries reported greater support for same sex marriage than for civil

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partnerships/unions (Harding & Peel, 2006). Based on qualitative responses to the same survey, Harding (2006) noted that lesbian and gay respondents emphasised the desire for formal equality (i.e., everyone should be treated the same under the law). Yet in interviews, Harding (2008) found participants understood the introduction of civil partnership in contradictory ways. For some, civil partnerships were an 'unequal' framework packaged as equality, while others objected to the idea of marriage on feminist grounds.

Clarke, Burgoyne and Burns (2006; 2007) similarly found that the views of people in same sex relationships towards the legal relationship recognition were not dichotomised into pro and anti-same sex marriage positions. They assert that while there was general support for the principle of access to legal recognition, there was disagreement over what form it should take. For those who saw marriage as the gold standard of relationship recognition, access to it represented true equality. Meanwhile others viewed marriage as a flawed institution. This was echoed by participants in Rolfe and Peel's (2011) study of why some same sex couples had chosen not to have a civil partnership. They found that participants' accounts were characterised by ambivalence, with participants expressing support for equal rights alongside resistance to assimilation.

Heaphy (2015) contends, however, that concerns about assimilation may be less prevalent among younger cohorts. In interviews with young couples in civil partnerships, Heaphy found that the dominant narrative of his participants was one of embracing social conventions, and welcoming the opportunity to have 'ordinary' marriages. He claims that this younger generation of same sex couples did not question the underlying relational norms of marriage.

Past research was conducted when civil partnership was the nearest thing to marriage or when same sex marriage was merely a proposal. Now marriage equality is a reality in England, Wales and Scotland, it is timely to consider how same sex couples who have gained legal recognition for their relationship (through civil partnership or marriage) view civil partnerships and what they believe should happen to this institution. The current study used an online qualitative survey to examine how civil partnership is viewed by those in a civil partnership or same sex marriage a decade after their introduction.

## **Method**

### ***Participants***

A total of 82 people in a civil partnership or a same sex marriage took part in the survey. Of these, 56% (n=46) were currently married and 44% (n= 36) were currently in a civil partnership. The majority of respondents (88%, n= 72) had originally formed a civil partnership. Of these, half (50%, n= 36) had subsequently converted their civil partnership to a marriage. The sample thus comprised of 12% (n=10) who married after March 2014, 44% (n=36) who had initially registered a civil partnership and subsequently converted to marriage and 44% (n=36) who were in a civil partnership. The opportunistic sample consisted predominantly of white, middle class, able-bodied, women. Further details about participants are provided in Table 1.

Table 1. Participant information

Sample Characteristics	Sample Composition

<b><i>Gender</i></b>	74% (61) Female, 22% (18) Male, 1% (1) Trans Female, 2% (2) Non-binary
<b><i>Sexuality</i></b>	59% (48) Lesbian, 28% (23) Gay, 10% (8) Bisexual, 3% (3) Other (queer and pansexual)
<b><i>Age</i></b>	Average age 44 (range 25 – 71), partners' average age 45 (range 25 – 80)
<b><i>Ethnicity</i></b>	All respondents were 'White' or Caucasian apart from one 'White/Asian'. Their partners were also predominantly white.
<b><i>Disability</i></b>	96% (79) were able-bodied, 4% (3) were disabled
<b><i>Class</i></b>	70% (57) described themselves as 'middle class', 17% (14) as 'working class'. Remainder refused to answer.
<b><i>Education</i></b>	73% (60) were educated to graduate level or above
<b><i>Relationship duration</i></b>	Mean length 13 years (range 2 – 49 years)
<b><i>Living Arrangement</i></b>	Over 95% (78) currently lived with their civil partner/spouse. Average length of time living together was 12 years (range 1 - 44 years)
<b><i>Property ownership</i></b>	73% (60) jointly owned property with their partner/spouse
<b><i>Children</i></b>	41.5% (34) had children, 58.5% (48) had no children. Of those without children 63% (30) did not plan on having children in the future

## ***Materials***

The survey was a predominantly qualitative design with questions developed based on the authors' previous research on civil partnership and same sex marriage (e.g., Peel, 2009). The online survey was developed by the first author using Bristol Online Surveys and piloted by the second author. To avoid missing data and any ambiguity



with regards to withdrawal, respondents were required to complete the survey for their data to be included. As open response questions take longer to complete than closed response questions, respondents were given the option of saving their progress at any point and completing the survey at a later date. The survey was designed to 'route' respondents around questions that did not apply to them depending on their legal recognition history and status. This was in order that respondents were not asked irrelevant questions and to gain additional information about particular choices. For instance, those who married after March 2014 were asked why they had chosen marriage rather than civil partnership, and those who had initially registered a civil partnership were asked to explain why they had chosen to convert to a marriage or not. All respondents were asked to explain in what ways they thought civil partnership was the same as marriage and in what ways it was different, and all respondents were asked what should happen to civil partnership now following the introduction of same sex marriage in England, Wales and Scotland. It is responses to these questions that this article primarily draws upon.

### ***Procedure***

Ethical approval was gained from both of the authors' institutional ethics committees prior to data collection. The survey was live from October 2015 – April 2016.

Respondents first encountered an information page where the nature of the study was explained. Respondents were made aware that they could 'write as much or as little' as they wished, that they could stop completing the survey at any time and could retrospectively withdraw data up to two weeks after completing the survey.

Respondents were required to tick a box to indicate their informed consent before

proceeding to the survey questions. We recruited participants in a variety of ways such as sending emails to relevant email lists and organisations and via social media (Twitter and Facebook), which included setting up a Twitter account for the project. The first author was also interviewed by three local radio stations during which listeners were directed to a memorable URL if they wished to take part. Lesbian and gay magazines were also emailed. Only one magazine, the UK's leading lesbian magazine, responded to these requests. Most responses to the survey were received in the week following the magazine posting about the project on social media, which may explain the gender bias in the sample. Participation was voluntary with no incentive to take part.

### ***Analytic method***

The data was analysed using thematic analysis within a critical realist perspective (Clarke, Braun & Hayfield, 2015). Although the responses are treated as representing participants' genuine opinions, a critical realist position acknowledges that such views do not reflect idiosyncratic perspectives but rather are located within, and informed by, socially available discourses; in offering their views, the respondents are positioning themselves in relation to wider political debates. This critical realist perspective was adopted in order to take aspects of respondents' accounts at face value (e.g., their reasons for choosing a civil partnership over a marriage or vice versa), whilst acknowledging that the meaning given to legal institutions are socially constructed and reflect wider discourses surrounding marriage. After reading the responses by question and then by respondent, the data were coded inductively, where codes are developed from the content of the data, and then organised into recurring themes. These themes were reviewed and revised by revisiting the original coded data and by considering the

themes in relation to the dataset as a whole. This approach was taken in order to develop an understanding of the overall patterning of people's perceptions of civil partnership (and marriage). In the analysis that follows we outline how participants' understood civil partnership and what they thought should happen to civil partnership in future. We also comment on how their accounts reflect wider discourses as well as findings from past research.

## **Findings**

Several themes and subthemes were identified within the data. The respondents were broadly divided between those who viewed civil partnership as 1) *a stepping stone to equality*, and in the context of marriage equality felt that *civil partnerships should be discontinued*; and 2) those who viewed civil partnership as *a form of legal recognition free from cultural baggage*, who largely felt that UK government should now *make civil partnership available for all*. There were, however, also those who displayed *ambivalence and conflicting views* within their responses. Each of these themes will be discussed below with illustrative extracts. All extracts are labelled with their respondent number and reported relational status: a civil partnership (CP), a civil partnership converted to marriage (CPM) or married (M) after March 2014.

### ***A stepping stone to equality***

Many of the respondents who had converted a civil partnership to marriage stated that they would have married had the option been available to them at the time they had their civil partnership. Many of these participants treated their civil partnership as a marriage (see also Heaphy, 2015) and entered into a civil partnership in lieu of

marriage: 'We always saw our Civil Partnership as a marriage and treated it as such and we were overjoyed when we could finally change it and get the green certificate that all other married people had got' (72CPM). For many of these respondents, the Civil Partnership Act represented an uneasy compromise whereby the UK Government extended the rights and responsibilities of marriage to same sex couples, while appeasing those opposed to the idea of same sex marriage:

From the very introduction of civil partnerships, I saw them as a gesture towards same-sex couples that was meant to be different enough from marriage to not offend certain segments of society [...] I tended to view civil partnerships as a sop to bigots (48M)

While such respondents treated their civil partnership as marriage, many did not view it as representing true equality. Such responses are reminiscent of arguments made by Wilkinson and Kitinger (2006) that civil partnership represented a 'painful compromise between genuine equality and no rights at all' (p. 54) and that such a compromise was 'insulting, de-meaning and profoundly discriminatory' (p. 56). Similarly, Rolfe and Peel (2011) found that same sex couples who had chosen not to have a civil partnership viewed it as a 'consolation prize' for same sex couples who had previously been denied any legal recognition.

Some, however, felt that civil partnership was a necessary 'stepping stone' to marriage equality. For instance, one respondent commented: 'We saw it as a second rate option to marriage - the Labour government introduced it as a stop gap, as they didn't think they could jump straight to equal marriage' (35CPM). Another stated: 'I think it was a great stepping stone to equal marriage but I feel in the future it will not be remembered or recognised as equal to marriage' (4CPM). Such responses echo scholars

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such as Weeks (2015) who argues that civil partnerships were a pragmatic form of incrementalism, allowing same sex 'marriage' to become 'ordinary' practice before legalising it in name. Such 'liberalism by stealth', he suggests, was a 'very British compromise' that reduced political conflict and resistance (see Eskridge, 2002 and Waaldijk, 2001 for similar 'stepping stone' arguments about civil unions in other countries).

One respondent however felt that civil partnerships temporarily made marriage equality more difficult to argue for:

I felt that civil partnerships did not equate to marriage equality and that they had to be an interim step towards this. However, it became harder to continue the reach for marriage equality as it was popularly reported that civil partnerships were it. Momentum was temporarily lost in terms of activism. (80CPM)

Jowett and Peel (2010) previously noted that the way in which the media portrayed civil partnership as marriage-by-another-name may have reduced the perceived need for marriage equality in the immediate years following the introduction of civil partnerships and that emphasising civil partnership's perceived inferiority was necessary for instigating a further campaign for equality.

Many of these respondents felt that civil partnership provided a second class status. For example, one respondent stated: 'Although we were happy to become civil partners we still felt that not allowing us to marry as a heterosexual couple made us second class citizens' (8CPM). Meanwhile others had originally considered civil partnership to be equal with marriage but felt that their own and/or the general public's perceptions had shifted in the ten years since:

I think many people viewed them and accepted them as 'gay marriage'.

However, I think as time progressed, for many reasons, it began to feel like

‘second best’ as it became clear many people didn’t view them as equal (29CP)

Another respondent commented that: ‘We and our friends considered it the same as marriage until same sex marriage was legalised. Then it felt like a two tier system’ (24CPM). Several felt that this perception was confirmed by others’ reactions when they converted their civil partnership to a marriage:

We noticed that, although everyone congratulated us when we had a Commitment ceremony then Civil partnership, when we told them we were converting (and all we did was pop into the Registry office) everyone seemed to see this step as more significant and they all seemed more excited about it. (8CPM)

My mother-in-law didn’t give us a gift when we had our CP (not that we expected gifts), but she did give us one when we converted it to a marriage. This suggests she sees marriage as the real thing and that she recognises us as a married couple. I imagine lots of people feel that way. (49CPM)

For some respondents, the distinction between civil partnership and marriage was viewed as a form of ‘linguistic segregation’ (Eskridge, 2002, p. xii) and at times drew parallels with racial segregation:

I always felt having a separate system was basically segregation- akin to having a separate swimming pool for black people at the leisure centre- both get to swim but not in the same pool. (47M)

Some disliked that civil partnership emphasised their difference as a same sex couple: ‘I am glad that full marriage equality has been achieved now as CP seemed to attenuate our differences rather than similarities with straight friends/family’ (18CP). Some also

valued the 'normalising' effects of same sex marriage: 'marriage feels like a more serious commitment; it is more "normalised" in society as heterosexual couples do it' (42CP).

### *Civil Partnerships should be discontinued*

Many of those who saw marriage as a stepping stone to full marriage equality, felt that civil partnerships were now redundant and that they should be abolished or phased out. This view was held by many who had married after March 2014, had converted their civil partnership to a marriage or planned to do so. Some felt that everyone currently in a civil partnership should be automatically converted to a marriage. For instance, one respondent, intending to convert their civil partnership, commented: 'I think they should disappear as now we can get married, that is why we both feel that our civil partnership should be upgraded automatically to marriage' (2CP). While another, who had already converted, responded: 'Civil partnerships should discontinue and everyone convert. We don't believe we should have a confusing system' (24CPM).

Others felt that civil partnership should remain for those who have already formed one, but that they should be discontinued for new couples:

For those already in one, civil partnerships should continue to be recognised but the principle of civil partnership is probably redundant for new relationships.

There doesn't seem any point in extending them to heterosexual couples - that would just confuse the position further. (50CPM)

Such responses endorsed the principle of formal equality (Harding, 2006) and many believed that having two forms of legal recognition that were practically identical was 'confusing'. Indeed, some respondents stated that they themselves were unsure of the legal differences: 'I know there are also some minute legal differences but I'm not sure

what they are' (47M). Several also commented that demands from heterosexuals for access to civil partnerships on the basis of equality failed to acknowledge heterosexual privilege and the context which gave rise to the creation of civil partnerships:

They should be scrapped. We find heterosexual couples demanding the right for CP pretty insulting. We have had to fight long and hard as a community to be thrown 'scraps' and patronized with the introduction of CP. The Marriage Act was a wonderful, joyous moment in British politics and finally brought forth some real equality. To moan that they're being left out of something shows how little understanding they have of feeling like a minority. A friend compared it to the people who want to know why they can't have 'Straight Pride' - as he said, be grateful that you don't need it. (28CPM)

Civil partnerships were a temporary - and possibly essential - step on the way to marriage equality. Now that we have marriage equality, it's time to get rid of civil partnerships. It's pointless bureaucratic nonsense to maintain two similar parallel systems. We have no time for opposite sex couples whingeing about wanting a civil partnership - such nonsense. You want legal recognition for your relationship? Get married. Don't want all the historical baggage? Well don't accept it. Check your bloody privilege. (35CPM)

One respondent commented that in an 'ideal world' civil partnerships would be abolished but argued that in some circumstances it is still required, particularly for gay clergy:

Sadly, until the churches have come on board with marriage equality, we will need CPs for gay Christians, especially clergy who can lose their jobs and face disciplinary action if they marry. In an ideal world, CPs would be scrapped



altogether (58CPM).

### ***Legal recognition free from cultural baggage***

For many of those who chose not to convert their civil partnership to a marriage, civil partnership was viewed as a modern form of relationship recognition free from the cultural and historical 'baggage' of marriage. For some, particularly those that described themselves as feminist, civil partnership represented a form of legal recognition free from patriarchal connotations. For example, one respondent stated: 'It doesn't have the same history (thank goodness) and so no implied passing of a woman between men as property' (82CP).

For others, marriage also carried religious connotations that they did not wish to associate with their relationship: 'We have no want or need to change our civil partnership to a marriage as neither of us are religious and the civil partnership was enough' (69CP). Meanwhile some felt that marriage was inherently heteronormative or came with heteronormative expectations about the nature of relationship (e.g. monogamy): 'It doesn't carry the same societal baggage - people don't have expectations of things like monogamy (I'm poly)' (15CP).

For such respondents, the cultural connotations of marriage were the primary reason for remaining in a civil partnership. Several respondents had also chosen to register a civil partnership after the introduction of same sex marriage for this reason:

We chose to have a CP after marriage became legal. We like the sense of freedom of being in a CP, just because you can fit your relationship into a heteronormative box now doesn't mean that feels like the right box for us.  
(15CP)

Several respondents felt that civil partnership represented something equal but different from marriage and embraced civil partnership's acknowledgement of their 'difference': 'My partner doesn't really want to get married as she likes having a civil partnership as it is different which fits - as we face different challenges' (7CP).

### *Make civil partnership available for all*

Many of those who had no plans to convert their civil partnership to a marriage or had registered a civil partnership after the introduction of same sex marriage felt that civil partnerships should continue to be available in future. They were also more likely to argue that civil partnerships should be made available to different sex couples. For some this was a simple issue of equality. However, somewhat paradoxically, despite claiming that civil partnerships were different but equal to marriage, the same respondents often drew upon the rhetoric of formal equality to argue for different sex couples' right to civil partnership:

I strongly believe that civil partnerships should be opened up to straight couples. For me, in a modern democracy, it HAS to be a question of equality and choice. It is discriminatory that heterosexual couples cannot choose to enter into a civil partnership as they can in France, for example. (62CP)

Others argued that civil partnerships should be made available to different sex couples for those, like themselves, who reject the cultural connotations of marriage but nevertheless wish for their relationship to be legally recognised. As one respondent put it: 'Straight people should have the same choice between civil partnership and/ or marriage. Particularly people for whom "marriage" carries a lot of baggage' (54CPM).

Some made a case for more radical legal reform. For instance, one respondent

suggested replacing civil marriage with civil partnership, leaving 'marriage' an unofficial, religious status: 'Civil Partnerships should be open to all and become the legal state requirement. Marriage should be an unofficial religious personal choice with no official recognition' (78CPM). Interestingly, this respondent had converted their civil partnership to a marriage despite not being religious 'in case [civil partnership] is ever withdrawn in future' (78CPM). Some felt that opening civil partnerships to different sex couples would ensure the future of the institution and thus protect their own legal status.

Several others suggested not only giving different sex couples access to civil partnerships but allowing those in non-sexual or non-dyadic relationships to register a civil partnership:

Civil partnerships should be available to all. Not just all couples, because civil partnerships make no demand for sexual or romantic connection. Civil partnerships should evolve to affirm many different constellations of families. For example, an aunt and a birth mother who raise a child together. Where is their legal protection and affirmation? A terminally ill person wants to leave everything to their pal? Civil partnership could be an option. Civil partnerships could evolve to provide affirmation and protection for polyamorous relationships and should not turn on the old definitions of nuclear families. (80CPM)

Underpinning this argument is a critique of the heteronormative model of legal relationship recognition based on a sexual, monogamous couple (Barker, 2014).

### ***Ambivalence and conflicting views***

Although the previous themes present two conflicting patterns in participants' responses, not all accounts fit into this dichotomy. In several cases, conflicting views were held between partners, with one partner being more in favour of, or opposed to, converting their civil partnership to a marriage:

I would quite like to convert our CP into a marriage (mainly because I just like celebrations), but my partner is against, for all the feminist reasons to be against marriage (patriarchal connotations, etc)! So we currently have no plans to do so!  
(20CP)

Ambivalence was also present among those who were in a civil partnership but unsure about whether to convert to a marriage. For some respondents, the choice not to convert to marriage was not out of a preference for civil partnership, or objection to marriage, but rather the result of ambivalence about the name of their legal status: 'I don't feel like our relationship will mean any more depending on the type of certificate we have' (57CP). As Heaphy (2015) notes, based on interviews with young civil partners before the introduction of same sex marriage, for some couples the personal meanings of the relationship matter as much, if not more, than legal distinctions. Non-conversion was therefore not necessarily the outcome of an active decision but in some cases the outcome of ambivalence. For example, one respondent explained their non-conversion by stating that: 'We just don't care much either way' (63CP), while several others commented that they just hadn't given it much consideration: 'We haven't looked into it or given it much thought' (56CP). Interestingly Rolfe and Peel (2011) found that a similar ambivalence was a reported reason for same sex couples not forming a civil partnership when they became available.

When asked what should happen to civil partnerships now, not everyone expressed a clear preference for discontinuing them or extending them. Some respondents instead offered 'either/or' responses: 'I think civil partnerships should be either scrapped or opened up to heterosexual couples to ensure fairness to everyone' (81M). Underpinning this apparent ambivalence was support for the principle of formal equality with same sex and different sex relationships being recognised in the same ways and being given the same choices.

## **Discussion**

Within our data there were conflicting views on civil partnership that divided our respondents in roughly equal numbers. It appeared that non-heterosexuals are more likely to advocate the discontinuation of civil partnership if they view them as a stepping stone to true equality. Respondents who held this view were also more likely to have converted their civil partnership to a marriage, planned to do so or had chosen to get married once it became possible. Meanwhile those who endorse extending civil partnership to different sex couples tend to view marriage as a heteronormative, patriarchal and/or religious institution, and view civil partnership as a modern alternative. Respondents expressing these views more often chose not to convert their civil partnerships to a marriage or, in some cases, had formed a civil partnership despite marriage being an option. Such conflicting views, not only divided our respondents but at times divided couples, with one partner being more in favour or opposed to converting a civil partnership to a marriage. Others meanwhile were more ambivalent both about the name of the legal contract and whether civil partnerships were extended or discontinued.

However, there was one thing that respondents broadly agreed upon. Formal equality (treating everyone exactly the same in law) was a principle that, on the whole, underpinned the arguments on all sides (Harding & Peel, 2006). Some felt that civil partnership should be abolished because formal equality had been achieved in the form of marriage equality. Others believed that civil partnerships should be extended to different sex couples to bring about formal equality. Meanwhile those who expressed ambivalence nevertheless felt that there was a need for formal equality one way or the other. The principle of formal equality is what Billig (1987) refers to as a taken-for-granted cultural 'commonplace'. However, this construction of equality as treating everyone the same can obscure structural oppression of particular groups. For instance, the principle of formal equality can be used as a basis to argue that equality measures represent reverse discrimination, which, as Peel (2001) observes, often constitutes a form of mundane heterosexism. As several respondents note, the campaign for 'equal civil partnerships' may fail to acknowledge heterosexual privilege and the social context in which civil partnership was created. Different sex couples are not denied access to civil partnership because heterosexuals are oppressed but rather as an unintended outcome of the historic oppression of lesbians and gay men.

Furthermore, the campaign for extending civil partnership to different sex couples arguably distracts from the continued discrimination same sex couples experience (e.g., with regard to pension entitlements). And while many respondents argued for civil partnership to either be scrapped or extended to different sex couples based on the principle of formal equality, few noted the continued necessity for civil partnership in the absence of marriage equality in Northern Ireland. Similarly, only a

minority of respondents saw a need for the law to recognise relationships beyond the normative couple.

It is important to note that this study only examined the views of those currently in a civil partnership or same sex marriage. Our sample was also highly educated, professional, white and predominately female. Recruitment was a challenge, particularly the recruitment of male participants and those who had married since its introduction. There were no obvious gender differences within the data but this was difficult to determine with the gender bias of the sample. Objections to marriage may be over-represented in the sample as lesbians could be more strongly opposed to marriage based on feminist politics (Rolfe & Peel, 2011), although recent official statistics suggest that two thirds (66%) of civil partnerships formed in 2015 were between men (Office for National Statistics, 2016). Further studies that examine more representative samples are thus required. Particular attention should perhaps be given to the views of those whose relationships continue to be marginalised by civil partnership and marriage law.

Nevertheless, our findings appear consistent with previous research on lesbian and gay attitudes towards civil partnership prior to marriage equality (e.g. Clarke et al., 2006, 2007; Harding, 2008; Rolfe & Peel, 2011) and with the findings of the UK Government's public consultation on civil partnership (Department for Culture, Media and Sport, 2014). The conflicting opinions regarding civil partnership appear irreconcilable, unless perceptions of marriage were to shift. In the context of marriage equality, perhaps future generations of same sex couples will not associate marriage with patriarchy or consider it heteronormative (Heaphy, 2015). Nearly half (48%) of all civil partnerships formed in 2015 were aged 50 and over, compared with just 19% prior

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to the introduction of marriage for same sex couples (Office for National Statistics, 2016).

While the respondents in this study were divided as to what should happen with civil partnership in the context of marriage equality, they were united in their opinion that the current system is unsatisfactory. Although some valued the 'choice' between two forms of legal recognition, others questioned how meaningful such a choice is if there are no substantive legal differences between the two. Others meanwhile felt that having parallel forms of legal relationship recognition was confusing. Moreover, as Norrie (2015) points out, having several pieces of legislation doing the same job increases the risk of administrative errors. In the absence of any straightforward solutions that will be satisfactory to all, it is important to note that people's perceptions about civil partnership and marriage are not static. Some respondents' views of civil partnership changed as a result of the introduction of same sex marriage; where they originally felt civil partnerships to be equal to marriage, the introduction of same sex marriage created a sense of hierarchy. Thus when considering the future of civil partnerships, the UK Government should not only bear in mind public opinion now but also consider the possible unintended consequences of changing the law.

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<sup>i</sup> For details on the differences between Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnership (Scotland) Act 2014 see Norrie (2015).

<sup>ii</sup> Throughout the paper we use the term 'different sex' couples as opposed to 'opposite sex' couples as the latter polarizes gender in a way that suggests female and male represent

opposites, as opposed to just being different. We also avoid use of the term 'heterosexual couples' to refer to those in different sex marriages, as individuals in such marriages may not identify as heterosexual. However, these terms are used by survey respondents and are therefore quoted as such in the findings section.

- iii The Northern Ireland assembly did vote in favour of same-sex marriage but the Democratic Unionist Party vetoed the proposal.
- iv In February 2017, Rebecca Steinfeld and Charles Keidan lost their Court of Appeal battle to have a civil partnership instead of a marriage. The judges ruled that the couple did not meet the legal requirement of being the same sex and that although they were being discriminated against on the basis of their sexual orientation, the judges felt that the UK government should be given more time to decide the future of civil partnership (BBC News, 2017)